

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11314-PBS

ST. PAUL TRAVELERS, as successor in
interest to ATLANTIC MUTUAL
INSURANCE CO. Marine Division, subrogee
of IBEX LLC, and IBEX, LLC

Plaintiffs

v.

FAIRHAVEN SHIPYARD, INC., and A.I.
MARINE ADJUSTERS, INC., a member of
AMERICAN INTERNATIONAL GROUP,
INC.,

Defendants

PLAINTIFF IBEX LLC'S FRCP
26(a)(3) WITNESS AND EXHIBIT
LIST

Now comes the plaintiff IBEX LLC ("IBEX") and respectfully submits its FRCP 26(a)(3)
witness and exhibit list.

(a) IBEX LLC'S WITNESSES:

- (1) Mr. Don Podesla
IDC Marina
5 Marina Plaza
Newport, RI 02840
Tel: (401) 524-6662
- (2) Ms. Nancy C. Zachariades
AMIM Marine Claims Supervisor
Fireman's Fund McGee Marine Underwriters
75 Wall Street, 18th Floor
New York, NY 10005-2833
- (3) Mr. Joseph Barone
Senior Technical Specialist
St. Paul Travelers
P.O. Box 531
1200 The American Road
Morris Plains, NJ 07950
- (4) Mr. Joel Sparrow
Marine Surveyor

Marine Adjusters, Inc.
P.O. Box 566270
Miami, FL 33256

- (5) Mr. Anthony Knowles
Marine Surveyor
Newport Marine Surveyors Group
7 Baldwin Road
Middletown, RI 02842
- (6) Mr. Theodore Toth
Applied Metal Services, Inc.
4740 126th Avenue, Suite 8L-F
Clearwater, FL 33762
- (7) Mr. Michael J. Keyworth
General Manager
Brewer Cove Haven Marina
101 Narragansett Avenue
Barrington, R.I. 02806
- (8) Peter W. Ebbutt
Marine Architect
Ocean Motion
2582 Fleming Grant Road
Micco, FL 32976
- (9) Frederic G. Folsom

The plaintiff IBEX, LLC reserves the right to seasonably supplement its witness list before trial.

(b) IBEX, LLC'S EXHIBITS:

The exhibits the plaintiff will rely upon are too numerous to list individually. The parties have agreed to meet and mark exhibits prior to trial. In general, however, IBEX, LLC's exhibits will consist of the following identifying categories:

- (1) Ramada Inn invoices;
- (2) Gateway Motor Inn invoices;
- (3) Ocean Cliff Room Charges for Captain F. Folsom (August 2002-April 2003);
- (4) Crew Time Sheets for 2002;

- (5) Wage Records, Capt. F. Folsom, 7/14/02 – 2/12/03; 2/13/03 – 4/26/03;
- (6) Wage Records, Capt. D. Greely;
- (7) Wage Records, Capt. P. Hutchinson;
- (8) Wage Records, S. Schroeder (crew);
- (9) Brochure;
- (10) Ship Drawings;
- (11) Patton Marine Surveys;
- (12) Marine Surveys, Milligan & Sparrow;
- (13) Marine Surveys, Newport Marine Surveyors;
- (14) Repair Invoices, Brewer's Cove Haven Marine;
- (15) Repair Invoices, Fairhaven Shipyard;
- (16) Atlantic Mutual Yacht Insurance Policy & Declaration Pages;
- (17) Theodore A. Toth Marine Inspection Reports;
- (18) Atlantic Mutual Claim File;
- (19) IBEX, LLC Sales Lead Records 2002-2004;
- (20) IBEX, LLC Loss of Business Records, 2002-2004;
- (21) IBEX, LLC Sales Inquiry Records, 2002-2004;
- (22) F. Folsom Employee Records;
- (23) D. Greely Employment Records;
- (24) P. Hutchinson Employment Records;
- (25) S. Schroeder Employment Records;
- (26) IBEX, LLC Paid Invoices from following vendors: Bill Nero cleaners; Corliss Diesel; Sanosuosso; Finnegan; Newport Shipyard (survey); Ocean Technical

Services (survey); Moy Works; Home Depot; West Marine; Ocean Luck; One Step.

- (27) List of IBEX, LLC Captains and Crew;
- (28) Brewer's Cove Deck Repair Schedule;
- (29) List of IBEX, LLC Charter Rates 2004-2005 and proposed sales budget for 2004;
- (30) IBEX, LLC Profit and Loss Statements, 2002-2004
- (31) IBEX, LLC Budgets, 2002-2004
- (32) IBEX, LLC Charter Log, 2004
- (33) IBEX, LLC Catering Revenue details, 2004-2005.

Respectfully submitted,

Plaintiffs,

ST. PAUL TRAVELERS as successor in
interest to ATLANTIC MUTUAL
INSURANCE CO. Marine Division,
subrogee of IBEX LLC, and IBEX, LLC

By their attorney,

/s/ William Hewig III
William Hewig, III (BBO# 541910)
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